



RCE/2813 \$ #14

+ 8/19/03

PTO/SB/30 (08-00)

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

|                        |                     |
|------------------------|---------------------|
| Application Number     | 09/851,158 ✓        |
| Filing Date            | May 9, 2001 ✓       |
| First Named Inventor   | Toshiyuki SHIGARAKI |
| Group Art Unit         | 2813                |
| Examiner Name          | E. J. Kielin        |
| Attorney Docket Number | 00862.022224        |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

|   |  |  |  |
|---|--|--|--|
| 1. <input type="checkbox"/> Submission required under 37 C.F.R. § 1.114 | <p>a. <input checked="" type="checkbox"/> Previously submitted</p> <ul style="list-style-type: none"><li>i. <input checked="" type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on <u>July 15, 2003</u>.<br/>Any unentered amendment(s) referred to above will be entered.</li><li>ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</li><li>iii. <input checked="" type="checkbox"/> Other: <u>Consider the Information Disclosure Statement filed on July 15, 2003.</u></li></ul> <p>b. <input type="checkbox"/> Enclosed</p> <ul style="list-style-type: none"><li>i. <input type="checkbox"/> Amendment/Reply</li><li>ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)</li><li>iii. <input type="checkbox"/> Information Disclosure Statement (IDS)</li><li>iv. <input type="checkbox"/> Other _____</li></ul> |  |  |
| 2. <input type="checkbox"/> Miscellaneous                               | <p>a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(e) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)</p> <p>b. <input checked="" type="checkbox"/> Other: <u>Applicant petitions the Examiner to extend the time for response for the Final Office Action dated April 15, 2003, one month from July 15, 2003, up to and including August 15, 2003, and submits \$110.00.</u></p>   |  |  |
| 3. <input type="checkbox"/> Fees  | <p>The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.</p> <p>a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any deficiencies in the following fees, or credit any overpayments, to Deposit Account No. <u>06-1205</u></p> <ul style="list-style-type: none"><li>i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)</li><li>ii. <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)</li><li>iii. <input type="checkbox"/> Other _____</li></ul> <p>b. <input checked="" type="checkbox"/> Checks in the amounts of \$750.00 and \$110.00 are enclosed to cover the RCE filing fee and the extension of time fee.</p> <p>c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)</p>   |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                      |                  |                                      |                |
|----------------------|------------------|--------------------------------------|----------------|
| Name<br>(Print/Type) | Steven E. Warner | Registration No.<br>(Attorney/Agent) | 33, 326        |
| Signature            |                  | Date                                 | August 7, 2003 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND COMPLETED FORMS TO THE following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.